



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chandra U. Singh
Robert Streeper

Serial No.: 10/812,316

Filed: March 29, 2004

For: WATER SOLUBLE FORMULATIONS OF
DIGITALIS GLYCOSIDES FOR
TREATING CELL-PROLIFERATIVE
AND OTHER DISEASES

Group Art Unit: 1614

Examiner: Unknown

Atty. Dkt. No.: AZAY:006US

CERTIFICATE OF MAILING
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

October 8, 2004

Date

David L. Parker

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 CFR 1.53(B)**

MS MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b), dated June 9, 2004, enclosed are:

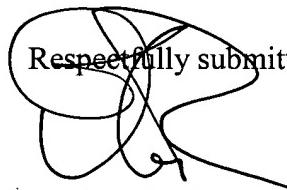
- (a) Declaration executed on behalf of Chandra U. Singh and Robert Streeper;
- (b) A Power of Attorney on behalf of Azaya Therapeutics, Inc.;
- (c) Preliminary Amendment;

- (d) Our check in the amount of \$768.00 to cover the basic filing fee (\$385.00 - utility small entity); surcharge for late filing (\$65.00); additional claims fee (\$108.00); two month extension of time fee (\$210.00);
- (e) A copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b); and
- (f) A Request for Extension of Time of two months to and including October 9, 2004. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to Azaya Therapeutics, Inc. and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/AZAY:006US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,


David L. Parker
Reg. No. 32,165
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: October 8, 2004



FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

DAVID L. PARKER
PARTNER
dparker@fulbright.com

DIRECT DIAL: (512) 536-3055
TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

October 8, 2004

<p>CERTIFICATE OF MAILING</p> <p>37 C.F.R 1.8</p> <p>I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:</p> <p><u>October 8, 2004</u></p> <hr/> <p>Date <u> </u> <u> </u></p> <p style="text-align: right;">_____ _____ David L. Parker</p>
--

MS MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/812,316 entitled "WATER SOLUBLE FORMULATIONS OF DIGITALIS GLYCOSIDES FOR TREATING CELL-PROLIFERATIVE AND OTHER DISEASES" – Chandra U. Singh and Robert Strepper*
Our reference: AZAY:006US

Sir:

Please find enclosed:

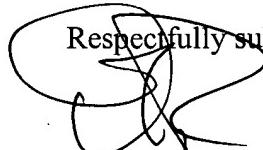
- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed June 9, 2004;
 - (2) Declaration;
 - (3) Power of Attorney;
 - (4) Preliminary Amendment;
 - (5) Request for Extension of Time;
 - (6) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b)-Filing Date Granted;
 - (7) Check in the amount of \$768.00; and

25439545.1

Commissioner for Patents
September 24, 2004
Page 2

- (8) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/AZAY:006US.

Respectfully submitted,

David L. Parker
Reg. No. 32,165

DLP/mar
Encl: as noted

J FW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/812,316	03/29/2004	Chandra U. Singh	AZAY:006US

David L. Parker
 Suite 2400
 600 Congress Avenue
 Austin, TX 78701

CONFIRMATION NO. 1828

FORMALITIES LETTER



OC000000012905866

Date Mailed: 06/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/13/2004 HLE333 00000034 501212 10812316

FILED UNDER 37 CFR 1.53(b)

01 FC:2051	65.00 OP
02 FC:2202	106.00 OP
03 FC:2001	395.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$352** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$802** for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$352**

- **\$207** for **23** total claims over 20.
- **\$145** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M/
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE